

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)
)
Plaintiff,) **8:03CR564**
)
v.) **REPORT AND RECOMMENDATION**
)
) **AND**
EDGAR AGUILERA ESPINOSA,) **ORDER**
)
Defendant.)

This matter is before the court on the motion to suppress (Filing No. 87) by defendant Edgar Aguilera Espinosa (Espinosa). The government filed a response stating it did not anticipate the eliciting evidence sought to be suppressed in the motion but did not concede the motion (Filing No. 93). The government did not present any evidence at the hearing on August 11, 2005. Accordingly, at the conclusion of the hearing on August 11, 2005, I stated my conclusions on the record and my decision to recommend that the motion to suppress be granted. In accordance with that announcement,

IT IS RECOMMENDED to the Honorable Laurie Smith Camp, United States District Judge, that the motion to suppress (Filing No. 87), be granted in all respects.

FURTHER, IT IS ORDERED:

1. The clerk shall cause an expedited transcript of the hearing to be prepared and filed.
2. Pursuant to NECrimR 57.3 any objection to this Report and Recommendation shall be filed with the Clerk of the Court within ten (10) days after the transcript is available to counsel for reading in the clerk's office. Failure to timely object may constitute a waiver of any such objection. The brief in support of any objection shall be filed at the time of filing such objection. Failure to file a brief in support of any objection may be deemed an abandonment of the objection.

Dated this 11th day of August, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge